

REMARKS

Applicant includes herewith a Petition to Extend the Time for Response by two months and the appropriate fee therefore.

Applicant notes with appreciation the allowance of claim 23 and the indication of patentable subject matter in claims 4,5,14, and 21.

Claims 1-3, 6-13, 15-20 and 22 stand rejected under 35 U.S.C. 102(b) or 35 U.S.C. 102(e) over Bath et al. (US Patent No. 5,909,149), Borwn et al. (US Patent No. 5,119,043) , and Harrer (US Patent No. 6,091,304). The rejections are respectfully traversed in view of the claim amendments and the discussion hereinafter.

Both Bath et al. and Harrer are used for the same purpose, namely to produce a local oscillator signal for handling two widely separated operating bands for cellular phones. In both instances, the local oscillator is produced by phase locking to a highly accurate crystal oscillator signal, or frequency multiple thereof, to thereby produce a stable local oscillator signal at a desired frequency. Clearly, the frequency of the crystal oscillator signal, and any multiple of the clock signal, must be very well known if Bath and Harrer are to function properly. Because the frequency of the input signal is well known for Bath and Harrer, there is no need for measurement or analysis of the input signal to obtain the frequency information, as specifically required by the amended claim language of main claims 1, 9, and 16. Furthermore, neither Bath nor Harrer disclose a frequency range selector that utilizes the frequency information measured by the frequency detector, as required by the claim language, because frequency of the clock signal or multiple thereof is already known. A rejection under 35 U.S.C. §102 must contain every element recited in the claim in as complete detail as is contained in the claim and arranged as recited in the claim. M.P.E.P. § 2131. Because the Office Action does not show an input signal of unknown frequency to which the phase-locked loop must lock phase (as per amended claim 1), or a frequency detector for measuring the

frequency information about the input signal (as per claims 1, 9, and 16), or a frequency range selector to utilize the frequency information for selecting the appropriate frequency band or corresponding method steps (as per claims 1, 9, and 16), it is respectfully submitted that the rejection under 35 U.S.C. §102 based on Bath and Harrer is clearly traversed.

The third reference, Borwn, also does not disclose a frequency detector that operates by measuring the input signal frequency as per the amended claims or a frequency range detector that utilizes the so determined frequency information (as per amended claims 1, 9, and 16). Borwn is utilized to phase lock with the clock signal for a hard drive wherein the clock signal increases in frequency for data in tracks closer to the outer edge of the disk. As best as can be determined, Borwn appears similar in function to the Cypress Semiconductor programmable phase lock loop integrated circuit already discussed at length in Applicant's specification, referred to therein as PLL 26, which requires that the band of frequency be known so that the PLL can be programmed to operate in the selected frequency band. As noted in the Office Action, Borwn utilizes band select logic 30 and 32 for selecting the frequency band. Borwn does not disclose how select logic 30 and 32 operate. Although operation of Borwn's band select logic 30 and 32, one would assume that because the track location of the data on the disk is known, and the clock frequency for each track is known, that the appropriate frequency band is accordingly known and readily available as band select logic 30 and 32. In any case, Borwn does not disclose a frequency detector, or any need for a frequency detector, to measure or analyze Borwn's clock signal to determine frequency information related thereto, as required by main claims 1, 9, and 16. Because Borwn does not disclose a frequency detector, Borwn also does not disclose a frequency band selector that utilizes the results from the frequency detector for determining the appropriate frequency band as required by the claim language. As stated above, a rejection under 35 U.S.C. §102 must contain every element recited in the claim in as complete detail as is contained in the

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claim and arranged as recited in the claim. M.P.E.P. § 2131. Because Borwn clearly does not disclose the claimed elements/methods, it is respectfully submitted that the rejection under 35 U.S.C. §102 based on Borwn is traversed.

Conclusion

It is submitted in view of these remarks that all grounds for rejection have been removed by the foregoing amendments and discussion. Reconsideration and allowance of this application are therefore earnestly solicited.

The Examiner is invited to phone Mr. James M. Cate, attorney for Applicant, 281-483-1001, if in his opinion such a phone call would serve to expedite the prosecution of subject patent application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA. 22313-1450, on June 2, 2003.

James M. Cate
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